

Express Mail No. ER 953587619 US

Approved for use through 3/31/2007. OMB 0651-0021  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

|  |  |   |
|--|--|---|
| <b>TRANSMITTAL LETTER TO THE UNITED STATES<br/>DESIGNATED/ELECTED OFFICE (DO/EO/US)<br/>CONCERNING A SUBMISSION UNDER 35 U.S.C. 371</b>  |  | ATTORNEY'S DOCKET NUMBER<br><b>21407 US C038435/0185010</b>         |
| INTERNATIONAL APPLICATION NO.<br><b>PCT/EP2003/010573</b>  |  | U.S. APPLICATION NO. (If known, see 37 CFR 1.5)<br><b>10/528872</b> |
| INTERNATIONAL FILING DATE<br><b>23 September 2003</b>  |  | PRIORITY DATE CLAIMED<br><b>27 September 2002</b>                   |
| TITLE OF INVENTION<br><b>SQS GENE</b>  |  |   |
| APPLICANT(S) FOR DO/EO/US<br><b>Tatsuo HOSHINO, Kazuyuki OJIMA, and Yutaka SETOGUCHI</b>   |  |   |
| Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:  |  |   |
| <ol style="list-style-type: none"> <li>1. <input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a submission under 35 U.S.C. 371.</li> <li>2. <input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a submission under 35 U.S.C. 371.</li> <li>3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</li> <li>4. <input checked="" type="checkbox"/> The US has been elected (Article 31).</li> <li>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))               <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input checked="" type="checkbox"/> has been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li> </ol> </li> <li>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).               <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto.</li> <li>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</li> </ol> </li> <li>7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))               <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> have been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li> <li>d. <input checked="" type="checkbox"/> have not been made and will not be made.</li> </ol> </li> <li>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</li> <li>9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</li> <li>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</li> </ol> |  |   |
| <b>Items 11 to 20 below concern document(s) or information included:</b> <ol style="list-style-type: none"> <li>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</li> <li>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</li> <li>13. <input checked="" type="checkbox"/> A preliminary amendment.</li> <li>14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</li> <li>15. <input type="checkbox"/> A substitute specification.</li> <li>16. <input type="checkbox"/> A power of attorney and/or change of address letter.</li> <li>17. <input checked="" type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821- 1.825.</li> <li>18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).</li> <li>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</li> <li>20. <input checked="" type="checkbox"/> Other items or information: Certificate of Express Mailing, Return Postcard</li> </ol>  |  |   |

The PTO did not receive the following listed item(s) Exhibit B Computer readable form + diskette.

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

|   |              |   |            |   |                 |
|---|--------------|---|------------|---|-----------------|
| U.S. APPLICATION NO. (if known, see 37 CFR 1.5)<br><b>10/528872</b>   |              | INTERNATIONAL APPLICATION NO.<br>PCT/EP2003/010573                            |            | ATTORNEY'S DOCKET NUMBER<br>21407 US C038435/0185010  |                 |
| 21. The following fees are submitted:   |              |   |            | Applicant use   | Office use only |
| <input checked="" type="checkbox"/> a) Basic national fee..... \$300.00   |              |   |            | \$ 300.00   |                 |
| <input checked="" type="checkbox"/> b) Examination fee..... \$200.00  |              |   |            | \$ 200.00   |                 |
| <input checked="" type="checkbox"/> c) Search fee..... \$500.00   |              |   |            | \$ 500.00   |                 |
| <b>TOTAL OF ABOVE CALCULATIONS = \$1000.00</b>  |              |   |            | \$ 1,000.00   |                 |
| <input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.  |              |   |            |   |                 |
| Total Sheets  | Extra sheets | Number of each additional 50 or fraction thereof (round up to a whole number) | RATE       |   |                 |
| 38 - 100 =  | 0 /50 =      | 0   | x \$250.00 | \$ 0.00   |                 |
| Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).  |              |   |            | \$  |                 |
| CLAIMS  | NUMBER FILED | NUMBER EXTRA  | RATE       |   |                 |
| Total claims  | 26 - 20 =    | 6   | x \$50.00  | \$ 300.00   |                 |
| Independent claims  | 3 - 3 =      | 0   | x \$200.00 | \$ 0.00   |                 |
| MULTIPLE DEPENDENT CLAIM(S) (if applicable)   |              |   | + \$360.00 | \$ 0.00   |                 |
| <b>TOTAL OF ABOVE CALCULATIONS =</b>  |              |   |            | \$ 1,300.00   |                 |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.  |              |   |            | \$ 0.00   |                 |
| <b>SUBTOTAL =</b>   |              |   |            | \$ 1,300.00   |                 |
| Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).   |              |   |            | \$ 0.00   |                 |
| <b>TOTAL NATIONAL FEE =</b>   |              |   |            | \$ 1,300.00   |                 |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property  |              |   |            | \$ 0.00   |                 |
| <b>TOTAL FEES ENCLOSED =</b>  |              |   |            | \$ 1,300.00   |                 |
| Amount to be refunded:  |              |   |            |   | \$              |
| Amount to be charged  |              |   |            |   | \$              |
| <p>a. <input checked="" type="checkbox"/> A check in the amount of \$ <u>1,300.00</u> to cover the above fees is enclosed.</p> <p>b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>02-4467</u>. A duplicate copy of this sheet is enclosed.</p> <p>d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p> |              |   |            |   |                 |
| <p><b>NOTE:</b> Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.</p>  |              |   |            |   |                 |
| <p>SEND ALL CORRESPONDENCE TO:</p> <p>Stephen M. Haracz, Esq.<br/>BRYAN CAVE LLP<br/>1290 Avenue of the Americas<br/>New York, New York 10104<br/>Phone: (212) 541-2000<br/>Fax: (212) 541-4630</p>   |              |   |            |   |                 |
|   |              |   |            | <p><i>Charles M. Avigliano</i><br/>SIGNATURE</p> <p>Charles M. Avigliano<br/>NAME</p> <p>52,578<br/>REGISTRATION NUMBER</p> |                 |

Docket No.: 21407 US C038435/0185010

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE ACTING AS  
DESIGNATED/ELECTED OFFICE (DO/EO/US) UNDER THE PATENT COOPERATION  
TREATY CONCERNING A FILING UNDER 35 U.S.C. § 371

*In re* Application of: )  
Tatsuo HOSHINO *et al.* )  
Based on Int'l Application No.: PCT/EP2003/010573 ) Examiner: Not yet assigned  
International Filing Date: 23 September 2003 ) Art Unit: Not yet assigned  
Filed: Herewith )  
For: **SQS GENE** )

New York, New York  
March 23, 2005


**CERTIFICATE OF EXPRESS MAILING**

"Express Mail" Mailing Label No.: ER 953587619 US  
Date of Deposit: March 23, 2005

I hereby certify that the following:

- [x] Certificate of Express Mailing (1 page)
- [x] Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning A Filing Under 35 U.S.C. § 371 (2 pp) in duplicate
- [x] Preliminary Amendment (13 pp, including duplicate page 1) with Exhibits A and B
  - Exhibit A: Sequence Listing (13 pp)
  - Exhibit B: Computer-Readable Form of the Sequence Listing (1 diskette)
- [x] Check for \$1,300.00 (National Filing Fee)
- [x] Return postcard

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the Date of Deposit indicated above in an envelope addressed to Mail Stop PCT, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
Marvin Chisholm  
Signature of Person Making Deposit

BRYAN CAVE LLP  
1290 Avenue of the Americas  
New York, New York 10104  
(212) 541-2000

**ATCC**

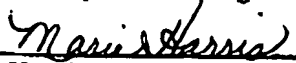
10801 University Blvd • Manassas, VA 20110-2209 • Telephone: 703-365-2700 • FAX: 703-365-2745

**BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF  
THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE****INTERNATIONAL FORM****RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3  
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2****To: (Name and Address of Depositor or Attorney)**Hoffman-La Roche Inc.  
Attn: Chao-Min Liu  
340 Kingsland Street  
Nutley, NJ 07110**Deposited on Behalf of:** Hoffman-La Roche Inc.**Identification Reference by Depositor:**

Phaffia rhodozyma (96594)

**Patent Deposit Designation**

74438

**The deposit was accompanied by:** ☐ a scientific description ☒ a proposed taxonomic description indicated above.**The deposit was received April 8, 1998 by this International Depository Authority and has been accepted.****AT YOUR REQUEST:** ☒ We will inform you of requests for the strain for 30 years.**The strain will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strain, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strain.****If the culture should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace it with living culture of the same.****The strain will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.****The viability of the culture cited above was tested April 24, 1998. On that date, the culture was viable.****International Depository Authority: American Type Culture Collection, Manassas, VA 20110-2209 USA.****Signature of person having authority to represent ATCC:**  
Marie Harris, Patent Specialist, ATCC Patent Depository**Date: November 4, 2003**

cc: Bruce A. Pokras

**BEST AVAILABLE COPY**